

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DALE and JENNIFER HARRIS, as
Parents and next friend of their minor son,
RNH,
Plaintiff,

v.

C.A. NO. _____

MARGARET ADAMS, KATHRYN
ROBERTS, RICHARD SWANSON,
NICOLE NOSEK, SUSAN PETRIE,
ANDREW HOEY, KAREN SHAW,
JOHN BUCKEY, and TOWN OF
HINGHAM SCHOOL COMMITTEE,
Defendants.

NOTICE OF REMOVAL

**TO THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT
OF MASSACHUSETTS**

Pursuant to 28 U.S.C. § 1331, “the district courts shall have original jurisdiction of all civil actions arising out of the Constitution, laws, or treaties of the United States.” The defendants, Margaret Adams, Richard Swanson, Nicole Nosek, Susan Petrie, Andrew Hoey, Karen Shaw, John Buckey and Town of Hingham School Committee, (collectively "Defendants"), pursuant to 28 U.S.C. §§ 1331 and 1446, hereby file their Notice of Removal of the above-described action to the United States District Court for the District of Massachusetts, and in support thereof, state the following:

1. On or about September 16, 2024, the Plaintiffs, Dale and Jennifer Harris, as parents and next friend of their minor son, RNH, (hereinafter “Plaintiffs”), filed an action in the Plymouth Superior Court in Plymouth County, Massachusetts, styled and captioned as above and assigned Civil Action No. 2483CV00773. (A copy of the Complaint is attached hereto as **Exhibit A**).

2. The Complaint was served on Defendants on September 19, 2024 (Copies of the Summons and Order of Notice to Defendants is attached as **Exhibit B**).

3. The Complaint asserts several claims alleging violations of 42 U.S.C. §1983, et seq. (see Count IV) against defendants. Because the Plaintiff has asserted a claim pursuant to a federal statute, 42 U.S.C. §1983, and the United States Constitution, removal is proper pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1446.

4. This Notice of Removal is timely under 28 U.S.C. § 1446(b) as it is being filed within 30 days of service of the initial pleading on Defendants.

5. Pursuant to 28 U.S.C. § 1446(a), a copy of the Civil Action Cover Sheets served upon the Defendants is being filed with this Notice. (See **Exhibit C**)

6. All Defendants consent to the removal of this action.

7. Jurisdiction exists over this removed action pursuant to 28 U.S.C. § 1331, as this action could originally have been filed in this Court on the basis that this is a civil action arising under the Constitution, laws, or treaties of the United States, *i.e.* a “Federal Question.”

8. As this civil action is pending in Plymouth Superior Court in Plymouth County, Massachusetts, under 28 U.S.C. §§ 101 and 1441(a), the United States District Court for the District of Massachusetts is the proper forum for removal.

9. Written notice of this pleading will be given to all parties promptly after the filing of this pleading.

10. Defendants will file a notice of the filing of this Notice of Removal and a copy of this Notice of Removal with the Clerk of the Plymouth Superior Court in Plymouth County, Massachusetts.

11. Pursuant to Local Rule 81.1(A), the Defendants shall request of the Clerk of the Plymouth Superior Court in Plymouth County, Massachusetts certified or attested copies of all

records and proceedings in the state court and certified or attested copies of all docket entries therein, and shall file the same with this Court within thirty (30) days after the filing of this Notice of Removal.

WHEREFORE, for the foregoing reasons, Margaret Adams, Richard Swanson, Nicole Nosek, Susan Petrie, Andrew Hoey, Karen Shaw, John Buckey and Town of Hingham School Committee, respectfully request that the above-captioned matter pending in the Plymouth Superior Court in Plymouth County, Massachusetts, be removed and that this Court take jurisdiction for trial and determination.

The Defendants,
**Margaret Adams, Richard Swanson, Nicole Nosek,
Susan Petrie, Andrew Hoey, Karen Shaw, John
Buckey and Town of Hingham School Committee,**
By Their Attorneys,

/s/ Gareth W. Notis

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on September 24, 2024

/s/ **Gareth W. Notis**